

THE
C A S E
OF
ALLEGIANCE
IN OUR
Present Circumstances
C O N S I D E R 'D.

In a LETTER from a Minister in
the City, to a Minister in the Country.

Rom. 4. 22. *Happy is he that condemneth not himself in
that thing which he alloweth.*

40

L O N D O N :

Printed for Ric. Chiswell at the Rose and Crown in
St. Paul's Church-Yard. M D C LXXXIX.

Let this be Printed.

James Fraser.

March 21. 83.



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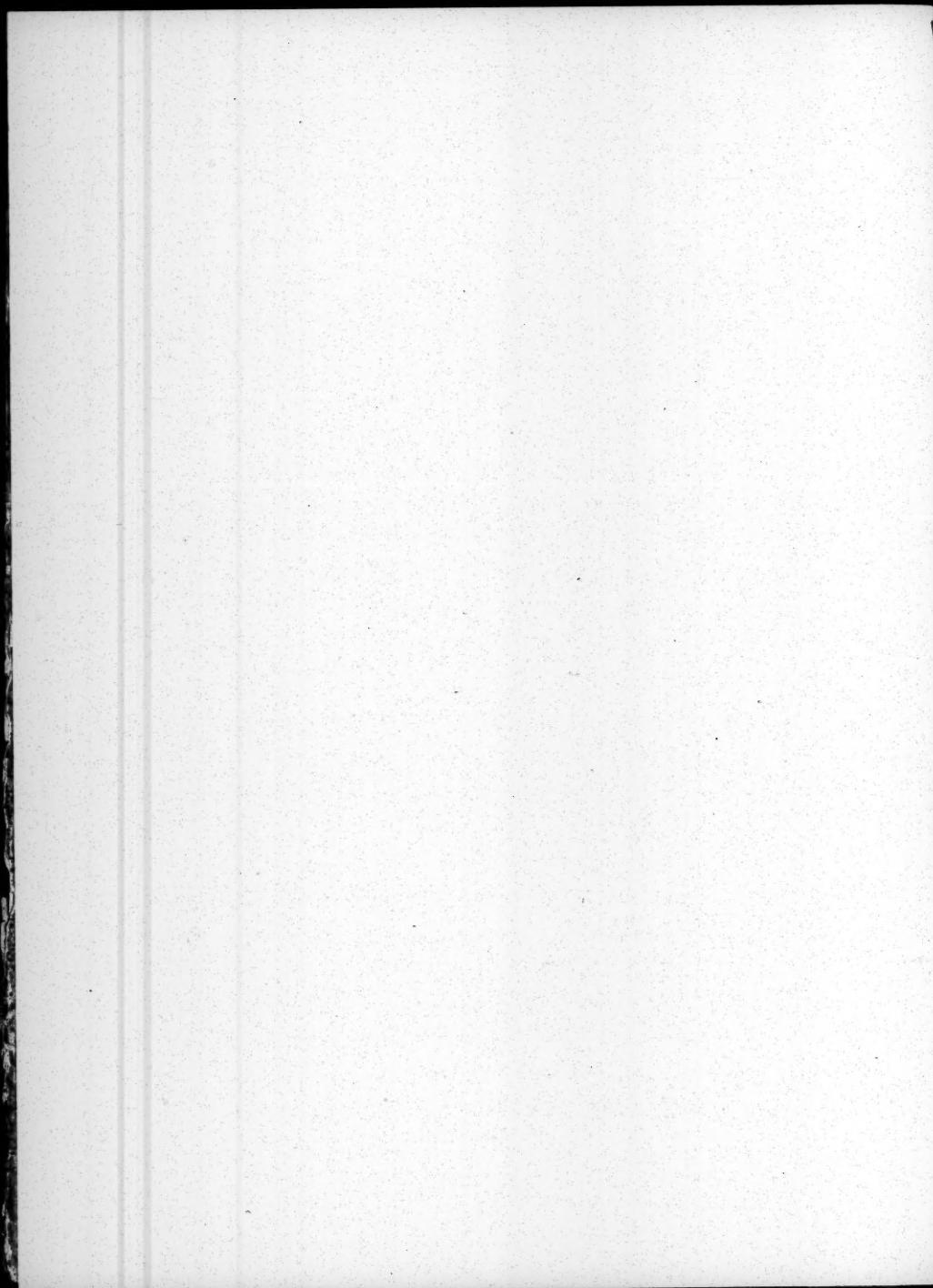
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THE
CASE of ALLEGIANCE
CONSIDER'D.



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Reverend Sir,



OU having thought fit to consult my Judgment about the lawfulness of transferring our Allegiance from the late to the present KING ; I shall not mispend time in blaming the ill choice of so incompetent a Casuist, for so important a Case ; but according to the Laws of that Friendship which have been for some time observ'd between us, I shall endeavour to approve my readiness, if not my ability in serving you :

I must not dissent from you, in professing a very tender and awful regard of Conscience, whose Authority I acknowledg to be sacred and inviolable , and in the neglect of which I expect no peace in my own mind, nor any confidence toward God : and I think it necessary to add, That we ought to take as much care to inform our Consciences, as to follow them ; that we provide them all possible helps

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and advantages; that we place Truths in the fairest light, and view them with a steady unprejudic'd Eye: And we who are Ministers are more especially concern'd to do so, who being appointed Guides, not only to our selves, but also to others, must beware of the double guilt of misleading our Flock, by going our selves astray before them.

You may believe me, Sir, as far as I can know my self, that I have no *Antimonarchical Principles*, or secret disgust to the Person of the late King, to alienate my mind from him: Neither am I conscious of any angry resentments of former Sufferings, or of any discontent with my present Station, or of any ambitious design, or hope of a future advancement, to bend my Inclination to a concurrence with the present Revolution; for I solemnly protest, That if the late KING would have thought fit to continue his Government over us, though with many tolerable Inconveniences to the Publick, and though with any intolerable Prejudices to my private Interest, I would never have retracted my Reverence and Submission to his Authority, nor have desisted to intercede with Heaven for blessings on his Person and Government. Whatever change therefore it made on my mind, it did not, I assure you, proceed from any design or choice of my own, but was necessarily induc'd from a change without, and from those new Circumstances into which the late King unexpectedly cast us.

It is indeed very difficult, as you complain, to determine the present Case with a satisfactory clearness and certitude, because it is complicated of a great variety of things, some of which are foreign to our faculty, and which for the most part require a great niceness of thought to apprehend and distinguish them; because also we are yet scarce got out of the amazement into which so great a Revolution hath surpriz'd us, and must have time to recollect and compose our thoughts, ere we can consider so exactly, or deliberate so steadily as such an Affair deserves; but chiefly because we have of late years imbib'd some false Maxims and Notions, which unhappily intangle our Consciences, and prejudice our minds against that truth, which it is now become our interest

to

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to discover and acknowledg'd, and have had those Nations imprecated upon us with so much force and importunity, that through a foolish fear of those who have been a long time practising upon us, we have almost lost our liberty of thinking freely, and judging impartially of these matters. Yet these difficulties are not insuperable to an honest inquisitive mind; they may indeed prompt us to excuse candidly the Errors of others, and to seek more earnestly for Wisdom, to him that hath promis'd to give it to those that lack, without upbraiding; but should rather animate than discourage our industry in the researches of a Truth wherein our Consciences are so much concern'd.

These things being premis'd, I will now set close to my Work; and upon a general view of the Design before me, find it necessary for me to do these three things.

1. To discover and remove some false Principles about Government and Obedience, whence the obscurities and difficulties in the present Case do chiefly arise.
2. To resolve the chief difficulties in the Case propounded.
3. To prove that Resolution to be consistent with all the Obligations that can affect a good Conscience.

It will be necessary in the first place to detect and discard those false principles of Government and Obedience which have been in this last Age so earnestly obtruded, and so easily entertain'd among us; and which are as a false bias on our minds to mislead their Considerations, and betray them into Error.

And if we find such Principles do rather *inflame* than oblige our Consciences, and are as inconsistent with Truth, as they are with the present Revolution, we must take the honest courage, to break off those bands, and assert our Liberty. Of this kind are chiefly these three.

4. That a Monarchical form of Government, and the appropriation of it to a particular Person or Family, is *jure Divino*.

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Divino, or by a *Divine Right*. How boldly this Principle hath been asserted by some men, you and I cannot be ignorant; upon which so great a stress hath been laid, that to alter the Government in the State, hath been thought as lewd an impiety as to alter either of the *Holy Sacraments* in the Church; to divert the Succession, as unlawful as to pervert the very Course of Nature; and to oppose a King, tho in the most illegal extravagancies, or barbarous outrages, to be no less than fighting against God. If indeed such a *Divine Right* did appear, it must be acknowledged indisputable and inviolable, whatever sad consequences attend it; but upon examination we shall find that God hath nowhere instituted such a *Right*, but some men have with too bold a fraud, made use of his Name to advance and support their unreasonable pretensions. If by such a *Divine Right*, no more were intended than God's permission and allowance, it would have no Opponents; for we know of no Law that doth forbid a *Monarchical* form of Government, or exclude any particular person or family from the Administration of it: But then the pretence so interpreted, will not be sufficient to render an alteration in the Government or Succession, a sin against God, as the assertors of this notion have sometimes pretended. They therefore who plead this Argument, must be thought to assert, That God hath by some Law or Constitution appointed *Monarchy* to be the specific form of Civil Government; and that the Crown should be entail'd on such particular persons succeeding in the same Family, whereby the one cannot be chang'd, or the other debar'd without transgressing a Divine Institution. This being a matter of great importance, and of common continual concernment to mankind, we may reasonably expect, that if God hath made any such Law, it is somewhere promulg'd to the World with sufficient evidence and certainty; but tho many have been for some years most sollicitously seeking after it, yet they are not agreed among themselves in the discovery, nor can direct us where we may certainly meet with it. I know but of two sort of Laws which:

which God hath given to mankind, Either Moral, impress'd on the human Nature, or Positive, reveal'd in the Holy Scriptures; but the *ius divinum* in dispute is a stranger to both. God hath indeed by both, instituted Government, or Civil Authority, for the welfare and security of men in their Civil Societies; He hath also commanded, that *Superiors* govern *justly* and *mercifully*; and that *Inferiors* honour them with *duty* and *submission*. But I no where find that God hath commanded all Nations, or ours in particular, to be under that form of Government, which in contradistinction to other forms is called *Monarchy*; or under some particular Person or Family in contradistinction to all others. The *Law of Nature* doth indeed erect a *Monarchy* in *Families*, over those who are naturally descended from him that is to Govern; but there being not the same *natural reason* in our *Civil Societies*, there is not the same *Law of Nature* to prescribe the same *Government*: And if some plead a *likeness*, or *analogie* between them, That can serve only for a *rhetorical illustration*, but not for any *Logical proof*, such as the present case requires. From the *Holy Scriptures* we learn that God did once institute a *Monarchy* for the people of *Israel*, and appointed particularly that *David* should be their *King*, and also *intail'd* the *Crown* upon his *Posterity*; but as God had particular Reasons for that institution, respecting the *Messiah*, so we have no Reason to think that God intended by that institution, to oblige any other Nation but the *Jews* only. In the *New Testament* we find Civil Government suppos'd, and the *moral Duties* to be discharged both by *Superiors* and *Inferiors*, describ'd and infor'd, beyond what they are in any other institutions; but we no where find *Christ* and his *Apostles* prescribing the particular form of *Civil Government*, or preferring *Monarchy*, or condemning an *Aristocratic* or *Democratick State*; and much less determining the particular persons or families on whom the *Regal Dignity* shall descend. Some indeed have infer'd from St. Paul's assertions, *Rom. 13.11*, that the particular forms of Government, and the particular persons which administer it, are by a *Divine Institution*; but however they countenance this mistake from our English translation,

flation, which says, There is no power but of God; the powers that are, are ordained of God; yet the Text is incapable of such a sense, if we read and render it exactly according to the Original.

St. Paul's words are, Οὐ δέ τινες εἰσιν εἰ μὴ αὐτὸς Θεός, αἱ δὲ τοῖς Ἰησοῦς καὶ τῷ διεύτινον εἰδώλῳ, which in an exact Translation would run thus; There is no Authority, if not of God; and the Authorities which are (of God's Institution) are ordered under God. The plain Doctrine of which, Text can be only this, That no man can have an Authority over other men, who are his Fellow-creatures, except it be derived to him from God, who is the Lord of all; and that whatever Power is derived to any Superiors over Inferiors, it must be subordinated to God, from whom it was derived: And as the Apostle doth infer from the former Assertion, That Every soul should be subject to, and none resist, their Authority, even for Conscience-sake, because derived from God; so he infers from the latter, That the Superior, who useth this Authority, must administer it as the Minister of God, for the good of men, in protecting Virtue, and discouraging Vice, because his Authority is subordinated to God, the Supreme and Absolute Lord of all Mankind.

And that the Apostle doth speak of Authority according to its general nature and institution, and not the particular persons by whom, or forms in which it was then exercis'd, is evident from the excellent properties and ends of this Authority which he enumerates; which do belong indeed to that Authority, which God hath instituted, but cannot certainly be ascribed to the Government of Nero, the present, and the worst of Emperors. And to make this more plain and unquestionable, it may be observ'd, that as Saint Paul, speaking of Authority in the general, calls it οὐδὲ τινες, the Ordnance of God; so Saint Peter speaking of the persons by whom this Authority is administered, calls them οὐδεποτε γάρ, the Ordnance instituting whether it be the King, or supreme, or inferior Magistrate committed by him. After all, I am ready to acknowledge, that the Law of God doth favour Princes, yes, and the masters of their Subjects in the quiet possession of those Rights, which they have justly acquired; but the Right themselves are not founded on a Divine

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wise but Humane Constitution; for tho' the Law of God doth prohibit us to defraud a private person of any part of his just possessions, yet we do not think that any Law of God did necessarily enjoin him to such a possession, or doth necessarily insist it on his Family; but that his Right is grounded on the Laws and Constitutions of the Country in which he lives: So, tho' Kings have the Law of God to maintain and protect them in the use of that Authority to which they have a just Right; yet that Right is not to be measured by any Law of God, but the Constitutions of the Realm, and may be acquired or alienated without committing any sin against God, as they who assert a *just Divinum* would pretend.

2. Another false principle to be dismissed, is a wide mistake of the Nature of that Government under which we live, which asserts the English Monarchy to be *absolute* and *unlimited*, at least that in its Original and *Essential* Constitution it is so, and cannot be otherwise. We cannot but reflect on the *at large*, or *in conduct* of some who in their Discourses on this Subject, have transcribed out of their common places all the great things which any Princes have offered to themselves, or have been ascrib'd to them by ambitious flatterers, or have been acquir'd by them in overreaching Compacts, or by a violent force; and have, without any restriction or exception, applied them to the Monarch of our *Island*, as if there could be but one *Sort* of *Government* in the world, or that *ours* did eminently include all the *Prerogatives* that can be conceiv'd in speculation, or can be found to be ascrib'd to any King or Emperor in any Part, or Age of the World.

Upon this Principle they have exalted the English Monarch into an *Absolute* and *Arbitrary* a Sovereign, as any Emperour of Rome or Constantine; they make his *Will* the sole spring of our Government, from which it is originally deriv'd, and into which it must be ultimately resolv'd: they allow to an English Parliament no more power than to give some inauthoritative Advice, which the King may use or neglect as he thinks fit. They think a *Coronation Oath*, whatever it may be with respect to God, yet with respect to the People, is only a customary Ceremony, or insignificant Formality. They suppose all legal limitations of the Government to be but the King's arbitrary and temporary *Condescensions*, which he may retract without

doing any Injury to the People; and, in a word, that all our Laws are entirely dependent on His Pleasure for their Being, Continuance, and Influence; but his Will is, in all Cases, unaccountable and irresistible. Such Maxims as these quite alter the Frame of our English Government, raise up our King into a Tyrant, and depress his Subjects into Slaves, and serve only to render the King odious, and his People miserable; and therefore, as no wise Man can forbear wishing that they may not be true, so upon enquiry we shall find that they have been advanced either by the *Fraud* of some, who frame Schemes of Government in their own imagination; or by the *Ignorance* of others, who are deceiv'd with the sound of the æquivocal Name of King, or by the *Craft* of those who make a Trade of advancing the Prerogative, in order to their own *Advancement*. Indeed if the preceding Principle had proved true, That Monarchy is a Divine Institution, it would be necessary for us to grant, that no other Form of Government could be mix'd with it, or That be restrained by any Limitations, because it cannot be lawful for Man to adulterate or infringe the Ordinance of God: But seeing the *Jus Divinum* doth not appear, we have reason to suppose that our English Government is built on the Topical Constitutions of this Countrey, and may differ from the Government of other Countreys, as much as our Tempers, Interests, and Circumstances do. For, if the Supreme Governor of the World hath not thought fit to prescribe One Form of Government to be every-where observed, he hath permitted to every Nation a Liberty of framing to themselves such a Constitution as may be most useful and agreeable; and as it is inconceivable that all Nations should conspire in the same Platform of Government, so it is most unreasonable to seek in *Judea*, *Italy*, or *France*, for the Measures or Properties of the English Government, which was made, and is therefore to be found only at *Home*, and should be describ'd rather from its own *Laws* and *Constitutions*, than any fine *Notions* we can conceive of what it might or should be. And if we contemplate the Government it self, we may easily discover what its essential Forms and Properties are: for surely a Government that hath been publickly transacted through so many Ages, and hath made so great a Figure in the world, cannot remain an imperceptible Secret, or an unintelligible Mystery; and I cannot forbear suspecting those who disguise it with so many

certainties and Obscurities that they design to mislead us into a
take of that which they will not allow us to understand. A little
skill in our English History will suffice to inform us, That the
and English, from whom this Nation is chiefly descended,
first introduced the Form of our English Government, and that
was the same they had been inuird to in Germany; where, as
it is observed, *Regibus nec infinita aut libera potestas: Kings had*
an Absolute or Unlimited Power. And from the ancient Records
those early Times we are assur'd, That the *Consent of the Peo-*
ples in a Convention or Parliament, did always concur to the mas-
sacre of *Laws*; and also their *Consent in a Fury of Peers* was al-
ways admitted in the Execution of Them: Whence the People of
England have been always acknowledged to be *Free-men*. And tho'
read that the *Saxons* were subdued by the *Danes*, yet we find
that their Government was changed, but that, after a short
interruption, the Government and Country returned entirely into
the Hands of the *Saxons*: The Duke of *Normandy*, whom we call
Conqueror, was such only with respect to *Harold*, who usurp'd
the Crown, but not with respect to the Kingdom, which he claim'd
as Successor to King *Edward*, to whom he was related, by
whom he was adopted, and from whom he had received a solemn
promise of the next Reversion; and accordingly we find, that tho'
made some external Changes in the Government, yet he made
no essential Alteration in the Form of it; and the same kind of
Government hath been transmitted by succeeding Kings to the
present Age, with some accidental Improvements, as our Ancestors
newiser by Experience, or the Necessities and Interests of the
nation did require. Now, inasmuch as our English Government
was first transplanted out of another Countrey, and hath been
perfected by several degrees through a long tract
of Time, it would be very fancifull to suppose one solemn time
when the *Original Compact* between the King and People was first
made, or to ask after a Book in which it is in a certain Form re-
corded; that Compact being nothing else than a tacit Agreement
between the King and Subjects to observe such common Usages
and Practices, as by an immemorial Prescription are become the
inner-Laws of our Government. And to understand these, so far
our present Case requires, there is no necessity that we should
ad over all the Records in the Tower, or all the Volumes of our
English History, there being several ancient Forms and Customs a-
mong.

Tacit. de mo-
rib. Germ.
Sect. 3, & 5.

mong us, which fall under easie Observation, that are sufficient to inform us of the Nature of our English Government. For when at a Coronation we see a King presented to the People, and their Consent solemnly asked and given, what can we reasonably infer from thence, but that anciently Kings were advanced to their Thrones by the Consent and Agreement of the People? When we hear the King solemnly Promise and Swear to maintain to the People their Rights and Liberties, to conserve the Law, and cause them to be observed; must we not conclude from thence, that there are Rights and Liberties reserved to the People; that the Will of the King is limited by the Law of the Realm; and that he is bound by His Oath to conserve the Laws, as we are by Ours to observe them? When we are taught to call the King our Leige-Sovereign, and our selves his Leige-Subjects; do not those Terms import, that he is bound to protect us in All our Rights, as we are bound to obey Him in All his Laws? When we read in the Preamble of every Statute, That it is enacted not only by the Authority of the King's most Excellent Majestie, but also by the Authority of the Lords Spiritual and Temporal, and of the Commons assembled in Parliament; is it not very evident from hence, that the Parliament hath a share in the Legislative Power, which is an eminent Branch of the Supreme Authority in this Kingdom? From these, and other such easie Observations, any impartial unprejudiced person will certainly conclude, that our English Government, according to its Essential Confirmation, is a mixture of Three Forms of Government; for he observes a Monarchy in the King, an Aristocracy in the Peers, and a Democracy in the Commons; all which share in that Part of the Sovereignty which consists in making Laws. And though our Government be called a Monarchy, because That Kind is predominant in the Constitution, according to the known Rule, That the Denomination is to be taken from the Excelling Part, the King having not only a share in the Nominalick Power, but also the whole Executive Power committed to Him; yet we cannot but conclude, from the foregoing Observations, That our Monarchy is not Absolute and Unlimited; that the Law is the stated Rule and Measure of our Government; and that the Law cannot be made, altered, or annulled, by the sole Pleasure of the King: but as it is the first determinate Rule by which the King is to Govern, and the People to Obey, so it is to be made or chang'd only by the Consent of Both in a Parliament. I might confirm all this, by transcribing

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scribing out of Books several Testimonies which occur in the Declarations of Parliament, in the Writings of Judges, and others Learned in the Law: but at these would make a Letter too tedious, so they are unnecessary to an unprejudic'd Considerer, and by others would be suspected of partiality to the People of whom they are a part. I shall therefore only add the Testimony of King Charles the I. who of all men had most reason to study, understand, and assert the Rights of the English Monarchy. He freely declares, in his Answer to the Nineteen Propositions, p. 96. "That there being Three Kinds of Government among Men, *Absolute Monarchy, Aristocracy, and Democracy;* and all these having their particular Conveniences and Inconveniences: the Experience and Wisdom of our Ancestors hath so moulded This out of a mixture of These, as to give to this Kingdom (as far as Human Prudence can provide) the Conveniences of all Three, without the Inconveniences of any One". He also, in the same Answer, affirms, "That in this Kingdom the Laws are jointly made by a King, by a House of Peers, and by a House of Commons". He likewise affirms in his Declaration from Newmarket, "That the Law is the Measure of his Power". And in another Declaration to the Ministers and Freeholders of the County of York, he acknowledg-eth, "That his Prerogatives are built upon the Law of the Land.

From these and other such Passages which frequently occur in the Writings of the King, who so earnestly disputed for the Rights of the Crown, we may be abundantly convinc'd that the English Monarchy is not *unmixt*, or *unlimited*; and cannot therefore enough admire the lewd presumption of others, who have daud'd to attempt a change in our English Government, who prefer the extremes of *Tyranny* and *Slavery* to the just temperament of our English Constitution; who have labour'd to tempe our Kings into an affection of *absolute* and *arbitrary Power*, and have miserably overlay'd the Consciences of their Fellow-subjects with a boundless *unlimited* dread of a boundless *unlimited Power*.

3. There are also great mistakes about the *measures* of our Obedience and Submission, which are necessary to be removed before our Conscience can make a free and impartial determination of the Case before us. We have been told it often, and with great earnestness, that we are bound in Conscience to yield an *obedient* Obedience to the King in all cases not command'd by God, and to resist him in no case whatsoever. If indeed the two foregoing Errors had stood:

stood the proof, this would have follow'd by necessary consequence; for if a Monarch be *jure Divino*, he must be absolute; and if he be so, there is no case, nor excepted by God, in which we must not obey him, and none at all in which we may resist him; but then we may make this advantage from the connexion which these Errors have one to another, That if one of them be refuted, the rest much necessarily fall with it: and if according to the English Principles premis'd, our Government be founded on the *Confession* of this Country, and according to those *Constitutions* be mixt and limited, then there may be some cases in which it may be lawful for us not to obey the King, and not unlawful to resist him.

For tho' it may be true, that we are bound to obey actively whatever is commanded by the *Legislative Power* of the Kingdom, and is not repugnant to any Law of God, yet we cannot assert so much with respect to the King only, because he having not the whole *Legislative Power*, an Act of his *private Will* is destitute of that Authority which can derive an obligation upon Conscience: altho' therefore a King may require things not inconsistent with the Law of God, yet if they are beyond that Authority which the *Constitutions of England* have assign'd to him, his Subjects are not bound in conscience to obey those Commands; and tho' in some cases they may comply by a voluntary Comission, yet they are oblig'd to condemn and withstand such proceedings if they increase so far as to threaten a fatal subversion of the Government. But how can we defend our selves against any exorbitant Acts of the King's private Will, if disarm'd and settler'd by the Doctrines of *passive Obedience* and *No-resistance*? what may not a King do toward a People suffer, if no defence may be us'd? I do not here forget to consider what *Submission* God hath require'd to that *Supreme Authority* which he hath institut'd, or what *bitter and reuertence* we are to pay to those *Governors* who sustain and administer it; nor how impatient men ordinarily are of the yoke of Government, and how apt to enlarge their *liberty* into *licentiousness*; nor how *pernicious disorder* and *confusion* must needs be to any Society; and therefore I use the utmost Caution I can to steer aright amidst the Rocks on the one hand, and the Sands on the other, that I may not make shipwrack of a good Conscience. I therefore premise and sincerely acknowledg, as I have learn'd from St. Paul, that *Every soul must be subject to the Supreme Authority which God hath institut'd*, and that if he resist, he is worthy of condemnation and according

to S. Jude, that we must not despise dominions, or speak evil of dignities; and that those untameable Spirits which are impatient of Government, are like wild Beasts made to be destroyed. I have also learn'd from S. Peter, to submit to every ordinance of men, for the Lord's sake, whether to the King as supreme, or to Governors sent by him, so as not to disobey or resist them in the use of that Authority which the Constitutions of the Kingdom have assigned to them. I have from the same Apostle learned farther to be subject with all fear, not only to the good and gentle, but also to the froward: so that if a King in the administration of his Government should be too sparing in his Rewards, and over severe in his Justice; if too hard to be pleas'd, and as hard to be propitiated, I must be contented; if he injure me in my private interests, I must rather submit than oppose a private to a publick good; or if the publick Affairs of the Kingdom sustain any detriment or mischief from his Male-administration, yet if it be such as will consist with the being of the Government and the Safety of the People, it should rather be born patiently, than redressed by a violent opposition. I acknowledge also that in all cases not certain and notorious, the Subject ought to presume the Right to be rather on his Prince's side than on his own; and never to think any oppressions intolerable till they are evidently such, or to call for a violent redress, till they appear otherwise irremediable. I must acknowledge also that I can see no Right the Subject hath from the Law of God or Man, to use any other resistance against a King than what is defensive, or to proceed judicially against him, or to inflict any punishment on his Person for any defaults of Government, because there can be no Authority in our Kingdom superior to that with which the King is invested. Yet after all these concessions it must be confess'd that the Regal Power being in its Constitution limited, and in its Exercise liable to be abus'd, there may such cases happen wherein a defensive resistance may be not only lawful, but a necessary Duty. And if we may not lie for God, much less may we do it in flattery to any Man; and if Subjects may not be defrauded of their Estates,

no more should they be of their *Liberators*, to prevent their abuse of them. Wherefore to speak out plainly, and honestly in a case wherein Conscience is so much concern'd, I must add, that we are not bound in Conscience to yield *Passive Obedience* to the King any farther than that *Legal Authority* extends, which the *Constitutions* of this Kingdom have invested him with; and that those *Constitutions* do not impower him to treat his *Subjects* according to his own *private Will*; but according to the *publick rule of the Law*; and by consequence, whatever grievance is *without* or *contrary to Law*, the Subject is not bound in Conscience to bear it, with respect to the King who had no authority to impose it, though he may be sometimes, with respect to the *publick Peace*; and if *Officers* be appointed by the King to oppress his Subjects *contrary to Law*, their *Commission* being *illegal*, must be without authority: and therefore the Subject is not bound in Conscience to submit to them, but may *resist* their *injust assaults*, if he cannot otherwise *evade* them, and do not disturb the *Publick Peace* by the defence of his *private Interests*. And if we may suppose a case so sad, as that a King through ill counsel or some strong temptation should be changed from a *Father* into the *Enemy* of his Country; and should with an immoveable obstinacy ingage himself in such *illegal designs*, as plainly and inevitably tend to the *Subversion* of the *Government* and the *Destruction* of the People; his Subjects in such *unhappy circumstances* will be excusable before God, if they use so much *defensive resistance* as he hath made necessary for preserving the *Government* and *themselves*? For if in Nature a People is presupposed to Government, and Rulers are intended by God for the welfare of a People, and not a People for the pleasure of their Rulers, it will be most reasonable to infer, that when the End and the Means become inconsistent, the End should be prefer'd, and those Means prevented or rejected, which would destroy the End they should promote.

But

But these things are so easily anticipated by the common sense and reason of mankind, that there needs no long discourse about them; and they are indeed too *obvious* to an ingenuous mind to dwell long upon them: and though our *extraordinary case* at present hath made it necessary to say so much, yet I hope a like *case* will never happen again, to give occasion to Subjects to consider so minutely, the limits of the *Regal Power*, and of their own *Submission*.

2. Having now rescued our *Consciences* from the prejudices of the foregoing *Errors*, we may be capable of making an impartial judgment of the *case* propounded; *Whether we can with a good Conscience transfer our Allegiance from the late to the present King?* Allegiance in its primary general sense signifies, being obliged or bound; in its political sense it imports that kind of relation which refers a *Subject* to his *Prince*, and by consequence it connotes the *duties* which result from that *relation*: And taking the word in its fullest latitude, there will arise these two difficulties to be distinctly resolved.

1. Whether our *Consciences* are discharged from *Allegiance* to the *late King*?

2. Whether we can with a good *Conscience* transfer our *Allegiance* to the *present King*, though not the immediate *Heir* of the *Crown*?

1. In resolving the former enquiry it will be necessary to premise, that our *Allegiance* to *James the Second* was not to his Person *absolutely*, but *respectively*, as he sustain'd the *Character of King*; and therefore as we ow'd no *Allegiance* to him before he was *King*, so neither can we owe him any now, if he ceas'd to be so; and I think it too plain to need any proof, that it is possible that a person may cease to be *King*, though he still survive; and

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that a relation ceaseth when one of its Terms is lost. If therefore it appears, That James the Second doth cease to be our King, though he be still alive, our Allegiance to him will be sufficiently discharged; and that he doth cease to be our King, may, I suppose, be evinc'd from the following Considerations.

1. If James the Second did with an *immoveable obstinacy* ingage himself in such *illegal* and *pernicious designs* as were *notoriously subversive* of the *Government*, and *destructive* of the *People*, he did thereby cease *de jure* to be our King, and our *Allegiance* to him is by consequence discharg'd. The Title of *King* includes both an *Office* to be discharg'd, and an *Estate* to be injoy'd; but the latter is an *appendant* to the former; when therefore he ceaseth to *govern* and *protect* his *People* according to the *Laws* of this *Kingdom*, his *Right* must so far cease to that *Power, Dignity, or Revenue*, which were assigned to him for that end, except we can imagine some things to have a *moral power of subsisting*, when the reason of them is gone. And as the *Office* of the *King* is directed by the publick rule of the *Law*, so the *right* which any person can have to the *Regal Estate*, must be founded on the *Constitutions* of the *Realm*; and these *Constitutions* must either invest him with an *absolute Right* irrespective to his *Office*, and then he would be an *absolute Monarch*, which is before disprov'd; or else it must be a *conditional Right*, respecting the *Office* he is to discharge, and then the *Right in Equity* must cease, upon the non-performance of the condition: Supposing also that a Person's *Right* to the *Regal Estate* be founded on the *Civil Constitutions* of our *Government*, if he will set himself to *subvert* those *Constitutions*, he cannot thereby but *Undermine* and *Destroy* his own *Right* which was *superstructed* on them. And if he obstinately refuse to discharge the *Regal Office* according to the proper fixt rule of the *Law*, though he still usurp the title of *King*, yet he is become quite *another thing*, such as our *English Constitutions*

Situations assign no Authority to, and to which we are not supposed to, owe any Allegiance, and which we cannot recognize without becoming Accessarie to the most illegal practices, and deriving on our selves the heinous guilt of contributing to the ruine of the Government and our Selves.

And as such a determination of the Case is most consonant to reason, so it is most agreeable to the antient principles and practices of *England*. By a Law made in King Edward the Confessor's time, it is declared, *That if a King, nec nomen Regis in eo constituit. Lumb. de priscis A-*
*Quod nisi se-
King doth not perform his Office, he shall not retain so much as the name of a King.* We read also that * *Sigebert King of the West-Saxons*, being incorrigibly Proud and Wicked, glorium legitime was, in the beginning of the second year of his Reign, by bus p. 142. the Nobles, and the People of the whole Kingdom assembled to * *In principio secundi anni Regni sui cum superbie & ueritate effet, congregati sunt Proceres & Populus totius Regni & eum pro sua delibera-
tione à Regno unanimi consensu omnium expellebant. Collect. p. 769. &c.*

Thus also King John having broken his Coronation-Oath, and endeavour'd by many ways to influe both the Church and the Realm, after many applications, and a defensive War waged by the Barons against him, it was at last agreed, that if he did again return to his former wicked Courses, the Barons should be for ever released from all Allegiance to him; and when he afterward presso consensu, relaps'd into the same courses, they in a general Assembly ita conuenit, ut si idem Johannes ad flagitia prima rediret, ipsi

Barones ab ejus fidelitate recederent, nunquam ad eum postmodum reverti. Cum autem ille fecit novissim: sua peiora prioribus, illi de communi Regni Confessio & approbatione ipsum Regno indignum judicarunt. Collect. 1868. &c. Chron. W. Tho:n.

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We find also that King Edward the Second for following Evil Counsel, and refusing to hearken to good counseil for his pride and arrogancy, for breaking his Coronation Oath, for wasting his Kingdom, and being found incorrigible and past all hopes of amendment, was by advice and assent of all the Prelates, Earles and Barons, and of the whole communie of the Kingdom depoſed.

*De Consilio & aſſeſſu omnium Pra-
latorum & Barorum & totius Com-
munitatis Regni amotus eſt à Re-
gimine Regni. Apolog. Adami. de
Orleton Collect. p. 2765.*

Habent ex from the Government. I shall add only one instance more antiquo Statute, of King Richard the Second, to whom his Parliament of deſolation non longe retroaditis sent Messengers to declare to him, among other things, temporibus experienter, quod fact not long ago, that if the King through any evil counsel, or dolendum eſt, foolis contumacy, or out of Scorn, or some peculans wilfulness, or ex maligno conſilio quoquaque, vel inepta contumacia, aut contemptu, seu proteruo, Voluntate singulari, prosecute his own private humour, that then it shall be lawfull for any other irregular way ſhall alienate himſelf from his people, and ſhall refufe to be govern'd and guided by the Laws of the Realm, and the Statutes, and laudable Ordinances thereof, together with the wholſome advice of the Lords and great Men of his Realm, but perſiſting headſtrong in his own mad counſels, ſhall petulantly to depole that ſame King from his Regal Throne, and to ſet up ſome other of the Royal Family in his place.

Regni & Statut; ac laudabilas Ordinationes, cum ſalubri conſilio Dominorum & Procerum Regni, gube nari & regulari, ſed capito in ſuis iuris consiliis propriam Voluntatem ſuam singulari proteruo exercere, extunc licitum eſt iis, cum coniunctu aſſentio & conſensio Populi Regni, ipſum Regem de regali ſolio abrogare, & propriutorum aliquem deſtitue regia loco eius in Regni ſublimare. H. Knighton Collect. 2681.

The present Case stated,

These Testimonies which I met with in a late Pamphlet, and which I am affur'd from an able hand to be faithfully recited, and of an unsuspected credit, I have abridge'd and transcrib'd, to confirm that truth on which the Argument is built, that according to our English Conſtitutions, a person may forfeit his Regal Rights, and ceafe de jure to be King; and that according to the ancient Statutes and irreprovable Uſage of this Country, the Nobles and Commons of England may remove

remove such a person from the Government, when necessary to prevent a general ruine otherwise inevitable. Now that the late King had brought matters to so great an extremity, as is in the Arguments suppos'd, is evident from many instances so recent and notorious, that it was lately acknowledg'd by all of us in the lowdest Complaints. We saw him attempting to subvert our Parliaments, by corrupting their Elections with the meanest arts, and using his power to pervert or frustrate their counsels. We heard those high strains in which he claim'd an absolute and arbitrary Power, our Laws were trampled on in illegal dispensations, and the most partial Execution; Some were disfeised of their Freehold without a trial, and levies of Mony were made without and against Law; Our Religion and Church, which are the best of all those interests which are secured to us by a legal Establishment, were so boldly threatened and attacked, that we seemed to enjoy them but precariously, and to be in danger of seeing them speedily ravish'd from us. And when we consider that the late King was instigated and conducted in these exorbitant courses by the Jesuits and the French King who have long since convinced the World, that they dare to perpetrate any mischief or wickedness that will advance their glory, and promote their interests: When also we consider that he proceeded in these courses with so obstinate a resolution, that when his Peers indeavoured to reclaim him by advice, they only thereby lost his favour and all their Preferments; and when some of his Bishops petitioned him in the humblest manner, they were answered only with fury and imprisonment. When lastly, we consider how far he had advanc'd in this way, that we already began to despair, and our Enemies to triumph; and if our Glorious Deliverer had not timely intervened, we might have been, in a few months, past all hopes of Recovery; We may surely upon these considerations be allowed to conclude, That England could not be in more danger, or any Prince lie under juster exceptions, or a people be more disoblig'd from their Allegiance. There are some who say, that if the League with France, the Im-

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posture of a young Prince, the Murder of the Earl of Essex, &c. were clearly proved, they should not be able to constrain themselves from renouncing all Allegiance to him. But though these may perchance be proved in due time, yet if they never are, there is certainly enough and too much besides to satisfy any reasonable Man.

2. If James the Second deserted the Kingdom without any necessity but what he induced on himself, and if he made no provision for the administration of the Government in his absence, but by taking away the publick Seals and cancelling the Writs of Parliament, design'd to obstruct all regular proceedings; and if also he hath put himself into the hands of the French King the greatest Enemy of our Religion and Country, without whom he cannot return to us, and with whom he cannot return without apparent ruine to his Kingdom, he doth thereby cease *de facto* to be our King, and we become discharged from all further Allegiance to him. I suppose few would hæsitare in granting such a conclusion, if the Late King had by a writing under his hand and seal solemnly abdicated the Government; but I know not what mighty force there is in a form of Words for renouncing the Government, that it may not be as effectually performed by a proper and notorious fact; or that a King may not as well renounce his Crown by doing it, as by saying it; and it is the thing it self and not the way of expressing it, which is the ground on which the relation between a King and his Subjects is dissolved; and therefore if a King doth actually desert his People, his Government and their Obedience must thereupon *actually* cease. You would perchance easily allow the argument, if the King had withdrawn deliberately and of choice, but it is said that he was rather hurried out of his Kingdom, by force and fear. It will be therefore necessary to relate to you the History of that transaction, which according to the truest account that I can meet with, is this: When the King went hence the first time, the Prince and his Armie were at a great distance, and a Treatie between them was pretended, but he left the City before his Commissioners could return

The Case of Allegiance considered.

return with an Answer to his Demands ; and it is certain that the Treaty was but a delusive Pretence, and that his Departure was resolv'd on some Days before ; for he himself declar'd to a Person of Credit, that the Queen had obtained from him a Solemn Oath upon the Sacrement, on the Sunday, that if she went away for France on Monday, he would not fail to follow her on Tuesday : Which he accordingly attempted, and we are very well assur'd, that tho' his Subjects used some Force to binder his Flight, yet they used none to compel him to it. When he left this City the second time, he receiv'd a Message from the Prince, which desir'd him to withdraw some few Miles from London, lest the Army coming thither, and Whitehall being throng'd with Papists, some Disorders might thence arise, not consistent with the Publick Peace or the Kings Safety ; but we are sure that it was altogether of his own Choice that he went first to Rochester, and thence out of the Kingdom.

If you reply that the late King being deserted by his Subjects, and expos'd naked to the Prince's Power, was brought under a necessity of flying. I must answer, that that Necessity was not absolute, but conditional : For the Prince (to whom he lately allowed the Character of being always Just to his Word) had assur'd him in his Declaration, that if he would suffer the Grievances of his People to be redress'd in a Free Parliament, his Army should peaceably depart. And not a few of his Nobles, and others, did earnestly beseech him to comply with those Terms, and solemnly assure him that in such a Compliance, they would faithfully adhere to him. If therefore the late King would have return'd to the English Government, he need not have left the Kingdom : but if he chose rather to depose and banish himself, than acknowledg and correct the Errors of his Government, or let fall those glorious Projects of advancing Property and an Arbitrary Power in England, we have no Reason to think such a wilful Necessity which he imposed upon himself, a sufficient Excuse for deserting his Kingdom ; but rather to conclude, that if he would rather leave us, than leave off to oppress us, we are happily releas'd from our Allegiance and Oppression together. Yet if we should impute his Flight rather to the weakness of his Fear, than to the obstinacy of his Resolution ; I do not see how the same Conclusion can be avoided. For if he leaveth off to administer the Government himself, and rather binder than promote its Administration by others, the course of the Government is thereby stop'd,

and either this Nation must *dishand into Confusion*, or we are necessitated to seek out and employ some other *Expedient*. If you think that he might in short time *overcome his Fears*, and *return to his People and Government*, even this *Hope* is fatally precluded, by his making himself a *Royal Prisoner* to the *French King*, from whom he can expect only, to be used and managed as will most contribute to the *Designs and Interests* of that Haughty *Monarch*; insomuch that we cannot conceive his *Return* possible, without the *Consent and Conduct of Him* whom he hath made his *Patron*, and without the dreadful attendance of a *French Army*, and the dismal Consequence of utter Ruine to our Church and Nation. And surely that *Prince* who can forsake his *People*, and abandon them out of his Care, and make it impossible to return, except as an *Enemy* to vanquish and destroy them, may very well be thought to cease *de facto* to be a *King*, and his *Subjects* to owe any *Allegiance* to him.

3. If the *Lords Spiritual and Temporal* and the *Commons of England* assembled in the late *Convention*, have upon mature Deliberation resolved and declared, that *James the 2d* hath *abdicated* the *Government* and *vacated* the *Throne*; we may be satisfactorily confirm'd from their *Authority and Judgment*, that he ceaseth to be our *King*, and we to be his *Subjects*. That they have fully and expressly assert-ed so much, I need not prove; and their *Testimony* is so *proper* and *authentick* in the present case, that we may with good Reason suffer our selves to be concluded by it. For the matter of the *Enquiry* con-sists of several ancient Laws and customary Usages of this Kingdom, of which the two Houses are the most competent *Judges*; and they representing the whole Nation, and being by our *Choice* com-mitton'd to consider and determine this *Case* for us, we cannot with any *Modesty* or *Equity* reject their *Determination*. If also we consider, that in all *Cases* of a like Nature, the *Nobles and People of England*, by their *Representatives*, have usually and finally determin'd them; and that upon the late King's withdrawing, the chief Power of the Nation could reside nowhere rather than in the two Houses, it seems according to our *English Constitutions*, to be the *Duty* of *private Men* to submit to such a *publick Judgment*. And indeed, if such a solemn *Assembly* of the three *Estates of the Kingdom*, after a long and serious *Consultation* upon the *Case*, shall not be thought suffi-cient to determine it, I wonder who can, or may do it? For as par-ticular Persons are less capable of making so exact a *Judgment*, so if every

every one should undertake to decide it, we must be reduc'd thereby into a helpless state of utter Confusion.

Secondly, The other Difficulty in the present Case to be consider'd, is, Whether we may lawfully transfer our Allegiance to the present King, he being not the next immediate Heir? I may here presuppose that our present King is acknowledged by the World to be so eminent-ly indued with all Royal Virtues and Abilities, and to have oblig'd the Gratitude of this Nation with so glorious and happy a Deliverance; that every wise and good Man among us cannot but be ready to address an hearty Allegiance to him, if it can appear lawful for him to do so; and where the Heart is so well inclined, it will not be difficult to convince the Judgment, if we consider these few Particulars.

1. That according to our English Constitutions it is not necessary that the next immediate Heir should succeed. For if we review in History the ancient Usages and Practices of our Country, which are the Common Law of our Government, we shall find, that tho' the Crown hath been usually appropriated to the Royal Family, and in that Latitude is said to the Hereditary; yet it hath very frequently passed over the next Heir to some other Branch of the Family, which was thought more capable of promoting the publick Ends of the Government in its present Circumstances: And we find no publick Censure ever passed upon such a King, on his Authority and Government in the least disabled thereby. And to make this matter unquestionably evident to any Man who is not far gone in the Correxit, that the Inheritance or Succession of the Crown is *June divino*, I add that the Kings of England have been allow'd by the whole Legislative Power of this Nation to dispose of the Crown by their Nomination, which, as it may suppose that they would not give it out of the Royal Family, so it must suppose that it was not necessary it should descend to the immediate Heir; for he being determined by Nature, could receive no Advantage from such a Nomination. Thus particularly it was allow'd to Henry the Eighth, and he, according to the Statute in that behalf, settled the Crown on his Son Edward, and the Remainder of his Daughters Mary and Elizabeth, both which could not be Heirs; And we find it also enacted in the 13th of Eliz. that whoever should maintain in her Time that she and her Parliament might not limit the Descent of the Crown, should incur the Guilt of High-Treason, and after her Life, the

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Forfeiture of his Goods. From which Authentick Testimonies we cannot conclude less, than that it is not necessary that the next *immediate Heir* should always succeed.

2. Let us consider that our *Allegiance* being removed from the late *King*, it must be referr'd to some other Person, and we can think of none for whose sake we may justly deny it to the present *King*. The pretended *Prince of Wales* lying under such a general and vehement suspicion of being an *Impostor*, and being at present under the *Conduct* and *disposal* of the *King of France*, we see in him more Reasons to *discourage* than *invite* our *Allegiance*. Our present *Queen*, who is the next *immediate Heir*, is not pretermitted; and tho' she hath a *Consort* in the Royal Dignity, yet he is such as was by *Marriage* become one with her, and who was admitted to the *Partnership*, not without her *Advice* and *Consent*. And the *King* himself being a Branch of the Royal Family, not far removed in the Succession, and who by the late glorious *Enterprize* hath retrieved the *Right* of both the Royal Sisters, and secured the *Government* it self from *Subversion*, it cannot but seem very *indecent* and *unjust* to overlook him in our *Allegiance*. If, lastly, we consider that the *Protestant Interest* in *Christendom*, and the *Civil Interests* of our own *Nation*, and of some of our best *Neighbours* are at present in most *imminent* and *extraordinary Danger*, which in Human Probability is not to be *avoided* but by the *Prowess* and *Conduct* of this *Illustrious Prince*, whom God hath by a *Special Providence* raised up among us; we cannot but conclude, that the *Series of Providence*, and the *Necessity of Affairs*, have determin'd our *Allegiance* to His *Majesty*; and that they seem to be unreasonably nice, who can sacrifice such *great Interests* to an *empty Formality*.

3. The great Council of the Nation having *actually invested* our *King* with the Royal Dignity, he hath thereby a *Right* to our *Allegiance*, and according to the *Laws* of this *Realm*, we become *punishable* in refusing it, and are *indemnified* in performing it, altho' his antecedent Title to the *Crown* may not be such as to exclude all Exception. So great an *Article of State* as this can be fit to be decided only by the *Wisdom* of the Nation in the most Solemn *Assembly*; and when so decided, ought to be submitted to by all *private Persons*, or all *Settlements*: must be an *impracticable thing*: and if our *Laws* should not be *executed* according to such an *authentick Determination*, the *Government* seems to be at a stop, beyond

yond all hopes of reviving into Motion. I wish that they who present or perplex their *Consciences* about such Affairs, would consider seriously whether they are proper or capable *Judges* of such Matters, and whether their *Consciences* may not be better conducted by the Resolution of such as are ; whether they behave themselves as becomes *private Persons*, who oppose their *Sentiments* to the publick *Judgment*, or whether any *Government* can subsist if such a *Presumption* be not restrained ? For my own part I am verily persuaded, that in all *Civil Cases*, decided by their proper *Judges*, my Conscience ought to acquiesce, and if I may be thereby misled into any *Error*, it will be without *Guilt* before God. And I am also inform'd that by a Statute made 11 Hen. 7. we are legally indemnified in paying our *Allegiance* to the King in being ; if we continue *faithful* therein, however infirm his Title may afterwards appear ; and therefore I cannot see what *Danger* can affright us from our *Allegiance*, or with what *Safety* we can refuse it.

Thirdly, I have now given you my *Resolution* of the chief *Dificulties* in the Case propounded, and the *Reasons* on which it is built ; and I can think of nothing more requisite to your Satisfaction, except to shew how this *Resolution* doth consist with all the Obligations which may affect a *good Conscience* in the present Case ; which are, I suppose, chiefly these three, viz. the Prescriptions of that *Holy Religion* we profess ; the Solemn Oaths we have taken, or the *Declaration* we have subscribed ; and the avowed *Principles* and *Doctrines* of this *Church* in whose Communion we live.

1. As to the first. The *Rule* of our *Religion* being the *Holy Scriptures*, nothing can be inconsistent with one, which is not repugnant to the other ; and according to the best of my Understanding, the principles I have proceeded upon, do not disagree with any *Sacred Text*, rightly interpreted. The first King of *Israel* we meet with in the Old Testament is *Saul*, who was advanc'd to the Throne as well by God's *Institution*, as the Peoples *Election*, and who was according to the Peoples desire, an *absolute Monarch*, like the other Kings in those *Eastern Countries* : But this, thanks be to God, is not our Case, who live under a *mixt Government*, and a *Monarchy* limited by the fundamental Constitutions of this Realm. And yet

I cannot but observe how David (who is usually prescribed as an eminent Pattern of Loyalty) thought it lawful to raise a band of Soldiers for a defensive Resistance against the unjust Persecutions of Saul, tho' an absolute Prince; and surely we may conclude a *minor ad major*, that such a *defensive Resistance* cannot be less lawful, which apparently necessary to preserve a whole People from imminent Ruine. I remember our Lord's determination, that his Kingdom is not of this World: and as I think we rightly infer from thence, that there is no secular Force belonging to his Kingdom for enlarging its Borders, or securing its Interests; so I can see nothing in these words to hinder, but that when any of the Kingdoms of this World is become the Kingdom of Christ, by incorporating his Religion among its civil Constitutions, then we may use any Expedients for the defence of our Religion which we might use in defending any other Privileges of our Civil Establishment. Our Lord hath taught us, to render unto Cesar the things that are Cesar's, and his Apostle, that we must render to all Men their Dues, Tribute to whom Tribute is due, Custom to whom Custom, Fear to whom Fear, and Honour to whom Honour; but they have left us to the Constitutions of our Country to determine, what the things of Cesar are, what Custom and Tribute is due, and when to be paid. I have already had occasion to consider the Doctrine of St. Paul and St. Peter concerning our duty of Submission to the Supreme Authority, and to those who administer it; And upon the general review of the whole, he seems to me to do the part of a good Christian as well as of a good Englishman, who hath on his Mind an awful regard for the Supreme Authority which is of divine Institution, who will not refuse an Active Obedience to the Laws of our Legislators, if consistent with the Laws of God, who can readily submit to the King, and to those that are commission'd by him, in the Execution of those Laws; who pays the highest Civil Honour to the King as the Supreme Magistrate of the Kingdom; who makes the most candid and honourable Constructions he can of all his Prince's Actions; who can quietly submit to any acts of Government, tho' they seem very unjust and grievous to his private Interests; and who never thinks a defensive Resistance lawful but when apparently necessary to save a Kingdom from utter Ruin. He that can do all this, is a good Prodigy in his Religion, for he will find it not very easy to Plead and Blood to go so far. But they who are not content with any Notion

of Religion which will not expose to ruin the Kingdom that embraceth it, do but traduce our holy Religion, and expose it to the Contempt and Flattery of the World.

2. Let us next consider how the Resolution I have given, will consist with the Oaths we have taken, and the Declaration we have Subscribed. You will here give me leave to premise that the Forms we have sworn or Subscrib'd, are not to be taken carelessly according to the mere sound of words, but are to be understood according to the Sense which they plainly express, and which appears to be intended by our Superiors in imposing them. And if we consider our Oaths and Declaration according to this Rule, we shall discover that they have brought upon us no new degree of Allegiance or Subjection, which was not always due according to the ancient Fundamental Constitutions of this Kingdom; that we have hereby lost none of our English Rights and Liberties; nor the King enlarg'd his Prerogative beyond what it always was and ought to be; and therefore if according to the ancient Constitutions of this Kingdom, the Government is mixt and the Monarchy limited, so it continues. If the Freemen of England were before these Oaths bound to no Active or Passive Obedience beyond what the Law of the Land prescribes, they are bound to no more since; and if it was formerly lawful for the People of England in an extreme necessity, to remove a King whose Government was became inconsistent with the Publick-Weal, and to set up another by whom the publick Interest may be secund'd, it is as lawful still notwithstanding these Oaths we have taken, or the Declaration we have subscribed. And to evince this more satisfactorily, let us descend to Particulars.

I. The Oath of Supremacy prescribed in Eliz. doth plainly appear from the Preamble and Body of the Act, and from all the parts of the Oath it self, to be intended only for asserting to the Queen a Supremacy over Ecclesiastical Persons, and in Ecclesiastical Causes, in opposition to the pretensions of the Pope and Court of Rome. When therefore it speaks of bearing Faith and true Allegiance to the Queen, and her Heirs and lawful Successors, it is in opposition to all Foreign Jurisdictions, Powers, Superiorities and Authorities; and when it speaks of our assisting and defending her Jurisdictions, Prebendaries and Authorities, it is only of such as have been granted or belonging, or united and annexed to the Imperial Crown of this.

this *Realm*: And that no new Power was hereby given to the *Queen* is evident, for when she was inform'd that this was by some pretended, she caused a Paper to be printed, called *An Admonition to simple Men deceived by the Malicious*, in which she declares, " That she would have all her loving Subjects understand, that nothing was, is, or shall be meant, or intended by the same Oath, to have any other Duty, Allegiance or Bond required by the same Oath, than was acknowledg'd to be due to *Hen. 8.* and *Edw. 6.* — and that her Majestie neither doth nor ever will challenge any other Authority than what was challeng'd and lately used by the said Noble King of Famous Memory, which is and was of ancient Times due to the Imperial Crown of this *Realm*; that is, under God to have the Sovereignty and Rule over all manner of Persons born within these Realms, Dominions and Countries, of what Estate either Ecclesiastical or Temporal soever they be; so as no other Foreign Power shall or ought to have any Superiority over them. And to render this Exposition of the *Queen* more Authentick, we find it confirm'd by an Act of Parliament 5 *Eliz.* wherein is this Proviso; " Provided also, That the Oath expressed in the said *Act*, made in the said First Year, shall be taken and expounded in such Form, as is set forth in an Admonition annexed to the *Queen's Majesties Injunctions*, published in the First Year of her Majesties Reign; That is to say, to confess and acknowledg in her Majesty, her Heirs and Successors, none other Authority than that was challenged and lately used by the Noble King *Hen. 8.* and *Edw. 6.* as in the said Admonition more plainly may appear. I think we may be abundantly satisfied from so express a Testimony both of the *Queen* and *Parliament*, that the Oath of *Supremacy* hath asserted no new Power to the Crown, nor deriv'd any new Allegiance on the Subject, but hath only engag'd him to pay that Fealty, which an *Englishman* did always owe to his Prince; and if that be all, it doth no way contradict the Positions above asserted.

2. The Oath of Allegiance appointed by an *Act 3 Jacob.* I. doth manifestly appear in the Body of the *Act*, and of the Oath it self, to be intended, not for making any new kind or degree of Allegiance, but only for asserting the old Allegiance of an *Englishman* against the novel Doctrines and Practices of the *Pope* or *Court of Rome*, which pretended to a

Power

power of Excommunicating and Depositing Kings, and of releasing Subjects from their Allegiance, and of bestowing this Kingdome on some other Prince at the Popes pleasure. And that this Oath was intended only to assert our Allegiance in opposition to such Popish pretences, is evident from hence, that the Oath was at first appointed, and for some years was requir'd, only of known or suspected Papists. And an *Act of Parliament* following 7^o. Jac. I. declares concerning this Oath, that it is limited and prescribed, tending only to the Declaration of such Duty, as every true and well affected Subject, not only by bond of Allegiance, but also by the Commandment of Almighty God, ought to bear to the King his Heirs and Successors. We find also that King James doth professedly assert and defend no more in his *Apology* for this Oath, and in the *Act of Parliament* just before cited, that *Apology* is approv'd and commended: And it being in that very *Act* requir'd that this Oath should be Administred not only to Papists, but also to all others his Majesties Subjects, we cannot conceive that our Legislators understood, or intended it in any other, than that limited and prescribed sense they had before acknowledged. From hence therefore we may infer, that this Oath doth secure the King against all Popish pretensions, but not against the English constitutions; and that the Allegiance we have sworn is no more than was unprecedently necessary from those constitutions, and by consequence that if according to those Constitutions a King may be removed from the Government, and his people be released from their Allegiance, so they may be still, notwithstanding any thing express'd, or intended in the Form of this Oath. But now if some among us (which I fear is the case of many) do mistake the matter of this Oath, and think they have Sworn to another kind, or higher degree of Allegiance than our Legislators intended, theye cannot but thereby intral their Conscience with great perplexities; and can no other way find Ease, than by stating the Obligation of their Oath, according to the intention of those Superiours who impos'd it; and this may relieve them, for I suppose that

The Case of Allegiance consider'd

tho' a Man may thro' mistake suppose his Obligation to be greater than it is, yet that a *promissory Oath* doth really oblige him no farther, than the party by whom the form of his *Oath* was prescribed, and he to whom it was made, may be reasonably suppos'd to intend and require. Thus for instance, if a Man thinks he hath sworn *Allegiance* to the *person* of him that is King, so as to be bound to him, whether he Administer the *English Government*, or set up another quite contrary to it; or that it obligeth him to obey the *Acts of a King's private Will*, tho' without and contrary to *Law*; or that his *Allegiance* is not terminable but by death, altho' the person to whom he Swore, may long before cease *de jure*, or *de facto* to be King; and to mention only one case more, which I observe to be somewhat common, if any thinks, he hath sworn such an *Allegiance* to the *Kings Heirs, and lawful Successors*, as obligeth him in *Conscience* to find out who is the *next immediate Heir*, to assist him in acquiring the Crown, and to pay subjection to him and to no other; altho' the great *Council*, or the whole *Legislative power* of the Nation should see reason to determine otherwise; In these and other such Cases, it is plain that our *Consciences* are intangled, not with the *real Obligations* which are upon them, but with our *mistakes* about them; that we conceit an *Allegiance* which our Ancestors never knew, and our *English Constitutions* do not require or allow.

3. The Declaration we have subscribed according to the Act in 14 C. 2. is in these Words, *That it is not lawful upon any pretence whatsoever to take Arms against the King, and that I do abhor that traititious position of taking Arms by his Authority against his Person or against those that are Commission'd by him.* Which Declaration may be consider'd, in the present case, either as it expresseth our own judgment, or as it expresseth the judgment of our *Legislators*, who require't it. As it is our *Declaration*, it can only import, that when we subscribe'd it, our judgment was really such, as we then thought, this form of words did properly express, but we did not hereby declare that we should never

ver change that judgment, if convinc'd by sufficient Arguments, and therefore cannot be bound in Conscience never to think, or act contrary to that Declaration. But an Argument from this Declaration is of more force as it pleads the judgment and determination of our Legislators, which will therefore deserve to be more attentively consider'd. I acknowledg that this Form was intended, in direct opposition to the *Rebellious principles and practices* of the times immediately preceding, and must conclude that according to the judgment of this Parliament, King Charles the I. did never *de jure* fall from his *Regal Right*, and that consequently the War his Subjects wag'd against him was a *Rebellion*, and the *positions* on which they proceeded were *traiterous*; and that it is not lawful upon pretence of his *Authority*, or any other pretence whatsoever to take Arms against his person, who continues to be *de jure* King: In all which the Parliament doth declare no *defensive Resistance* to be *unlawful*, which was not *always* so, nor condemn any *positions* which are not in themselves antecedently *traiterous*; and whoever thinks that they intended more, must suppose that that Parliament alter'd the Constitutions of our *English Government*, and did by apparent consequence, expose the Nation to utter *Destruction*. And if any of us in subscribing the Declaration, had any other apprehensions of it; we may, and I think we should renounce and condemn them.

3. Let us in the last place consider how this resolution will agree with the received *Principles* and *Doctrines* of the *Church of England*. We need not, I know, profess so high a regard for our *Church*, as to think any doctrine upon her sole *Authority*, to be a Sufficient rule of our *Faith* or *Conscience*; and yet it cannot misbecome us to pay so great a deference to her Judgment, as never to depart from it without great *regret*. But upon second thoughts I find we shall be under no necessity of doing so; for tho there have been for some time, a *party* among us who have appropriated to themselves the *Church of England* exclusive of their brethren; yet if we extend her

Arms wide enough to embrace all her genuine children since the Reformation, we shall find enough on our side to justify our *doctrines* to be consistent with her *principles*. Her Homilies no where, that I know of, assert the Errors I have here condemned, or condemn any of the positions I have here asserted. The Homilies of Obedience teach us to *Submit to lawful Authority and to know our bounden duties to common Authority*, but they teach us no *Loyalty*, beside or contrary to law. The Homilies against Rebellion are particularly designed against the Papists, whose Rebellion was the occasion upon which they were written, and tho they teach us not to resist our Prince if his Government be *legal*, however contrary to our *Religion* or any other interests, yet they no where forbid a defensive resistance against *illegal oppressions* which threaten

Hom. of Obed. an inevitable ruin to our Country; for they describe the Rebellion they condemn to be no other then resisting or withstanding common Authority. And that the principles

of loyalty which obtained in the Church at that time were no other then I have been now asserting, we may easily satisfie our selves from that form of *Prayer* they are charged with by the Parliament, in Queen Mary's reign, that *God would turn her heart from Idolatry to the true Faith, or else shorten her dayes and take her quickly out of the way*:

Sr. Simon D'Ewes journall p. 207. Also from the Reasons which the Bishops presented to Queen Elizabeth to prove that she ought to take away the life of *Mary Queen of Scots* because an Enemy to their *Religion and Country*, tho the next Heiress of the Crown; as Constantine did of *Licinius* his fellow *Emperour* because he was an Enemy of the *Empire* and of the Christian Religion; And to such as might object against their Reasons and advice they thus replie, *If our danger be joyn'd with the danger of our Gracious Soveraign and natural Country, we see not how we can be accounted godly Bishops or faithful Subjects if in commun peril we shoul'd not cry out & give warning: Or on the other hand how they can be thought to have true hearts toward God and toward their Prince and Country that will mislike our so doing, and seek thereby to discredit us.*

We

We may also know their principles in the present case from the *Subsidies* which the *Clergy* gave to the *Queen* in several Convocations in the fifth, thirty fifth, and forty third years of her Reign, for her maintaining and assisting the *Scotch*, *French*, and *Dutch* in their defence of their *Liberties* and *Religion* against the unjust oppressions of their Princes, as may be collected out of the preambles of those Subsidy Acts. And if it were not too tedious, this might be fully attested out of the writings of such Bishops as were most eminent in those times.

Bishop Jewel speaking of *Luther*, *Melancthon* &c. hath Def. of Apol. these words They do not teach the people to rebel against their P. 16. Prince, but only to defend themselves by all lawful means against oppression; as did David against King Saul, and so do the Nobles in France at this day. They seek not to kill, but to save their own lives, as they have openly protested by publick writing to the world. Bishop Bilson in his book of the true difference between Christian subjection and Unchristian Rebellion, dedicated to Queen Elizabeth, thus gives his Judg-
ment concerning that defensive Resistance which the Hugo-
nors used against the unjust oppressions of their King. I
will not, saith he, rashly pronounce all that resist to be
Rebels: Cases may fall out in Christian Kingdoms, where the
people may plead their Right against the Prince and not be
charged with Rebellion. As for example, if a Prince should
go about to subject his Kingdom to a forreign Realm, or
change the form of the Commonwealth from Empire to Tyranny,
or neglect the Laws established by common consent of Prince
and People, to execute his own pleasure: In these and other cases,
which might be named, if the Nobles and Commons joyn to-
gether to defend their Ancient and accustomed Liberty, Regi-
ment and Laws, they may not well be counted Rebels. In
the next Reign, we have the judgment of Abbot Bishop
of Salisbury, that the Case of the Primitive Christians and
of us differs in this, that they had no legal Right for their Re-
ligion, but were subject to the meer pleasure of the Govern-
ment. And while it was so, Christians did suffer themselves
to be kill'd, and kill'd none in their own defence; but when
under Constantine the Emperour they had the Laws on their
side.

P. 520. Edit.
1585.

In hoc causa
erorum a Veteris
Ecclesia ratione
distinguenda est
Sec. Dem. Antt.
c. 17. p. 91. &c.

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side, [Non tam cedebantur quam cedebant] they did not so much yield up themselves to be kill'd, as allow themselves to kill others in their just defense. Such were the principles of the Church of England in the Reign of Queen Elizabeth, and King James; but indeed in the next Reign, when Popish and French Councils found admission at our Court, then arose together the New Principles of superconformity in the Church, and of Super Loyalty in the State; which like a preternatural ferment, have ever since disturb'd the peace of both, and must be again cast out, if we ever recover a true English Temper, or a peaceful settlement. If then we frame our Character of the Church of England from the first and purest half of her Age, before she was secretly practis'd upon, by the Arts of her subtle Adversary, we shall easily discover, that her principles of Conformity and Loyalty are far more moderate and intelligible than those, which since that time, have been most industriously and impetuously recommended under her Venerable Name. And I wish that every one who professeth an Honourable and kind regard for our Church, would no longer ascribe to her such Principles and Doctrines, which she for many years was ignorant of; wherewith the Church hath given great advantage to her Enemies, and receiv'd nothing but Scorn and Contempts, and by which she may oblige the present Government to treat her with less kindness, than she might otherwise expect. But I forget that I am writing a Letter, and how much pardon I already need for running it into so great a length; but I thought it better to give you so long a trouble in reading, than to leave any trouble on your mind unremoved: I beseech you to excuse candidly the mistakes I may have committed; and to accept the Services of



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